April 11, 2005 Seven o=clock P.M. Council Chambers, City Hall North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, April 11, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0).

The invocation was given by Alderman Berry, followed by the pledge of allegiance to the flag which was led by Alderman Parker.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from a regular council meeting and special call held on Monday, March 28, 2005, were accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communications #3, 4 and 5 were not read, but accepted and filed (8/0).

- 3. Eddie Trower, Governmental Affairs Manager Mid-America HMA, Charter Communications re: price adjustment for cable products and services (via email).
- 4. Mayor Hays letter to Dan Flowers, Director Arkansas Highway and Transportation Department re: width and height encroachment on Riverfront Drive.
- 5. Ian Hope, Outdoor Recreation Grants Program re: FY2005 Matching Grant Project for North Heights Community Center Pool in the amount of \$217,000.00.

On the motion of Alderman Hight and seconded by Alderman Gipson, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Bob Rhodes, Director of Parks and Recreation letter to Mayor Hays re: new Hamburger Tax Capital program.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communication #1 was read by title only, accepted and filed (8/0).

1. Charley Baxter, Director of Patrick Henry Hays Senior Citizens Center 2004 Annual Report.

Mayor Hays asked Mr. Baxter to come forward and provide an update. Mr. Baxter said as of this date there are 8,700 members. Approximately 4,700 to 5,000 of those members are active, meaning they visit the center at least once a month, some as many as three times per day. There were 137,000 visits to the center last year. Programs continue to improve and include a Spanish and French language class and computer classes. Last year volunteers contributed over 15,000 hours of their time either working at the front desk, teaching classes, water aerobics, line and ballroom dancing and more. Mr. Baxter said it is a pleasure to work at the Hays Center. The income goal for 2004 was \$175,000.00, which was exceeded by approximately \$25,000.00. Mayor Hays said Mr. Baxter was nominated for the Arkansas Business Non-Profit Executive of the Year and recognized that achievement and presented Mr. Baxter a Proclamation and a gift certificate to Restaurant Capeo.

Mayor Hays welcomed Mr. Jason Carter, Deputy City Attorney and Acting City Attorney back from his service in Iraq with the National Guards 39th Infantry Brigade where he spent a year and a half on active duty.

Mayor Hays asked the council to accept a communication provided this date by Mr. Tim Marvin, Traffic Services Director to be communication #6. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, communication #6 was read by title only, accepted and filed (8/0).

6. Tim Marvin, Director of Traffic Services, memorandum re: rename street in front of Glazier Distributing from Judi Drive to Smitty Lane in recognition of Ms. Loneita Shoemaker's 54 years of employment with them.

Mayor Hays said he visited with Mr. James Dietz and other interested parties regarding renaming the street and he will introduce legislation regarding the same.

Mayor Hays invited Mr. Wayne Rathbun, Waste Management to come forward to provide an update on Recycling in North Little Rock. Mr. Rathbun provided a handout regarding recycling from October 2003 through December 2004. In 2004, 2305 tons of recycled materials were diverted from the landfill, which was equivalent to 4.6 million pounds, which saved 6,200 cubic yards of landfill space. This means 40,000 trees,16,135,000 gallons of water, 9,450,500 kilowatts of electricity were conserved, along with 138,300 pounds of air pollution being prevented. Since the program began in North Little Rock, over 3,000 tons of material has been recycled. North Little Rock ranks in the top quartile nationally for recycled material per capita, which means 7 out of 10 residents are participating in the program. The city has saved approximately \$90,000.00. Some of this is due to incentives set up by Sanitation Director, Harold Ford and the Public Works Department. Waste Management will work on programs to educate the public regarding contaminated materials. In November, they will sponsor a contest in local elementary schools in conjunction with *America Recycles Days*. The top three posters will be enlarged and placed on recycling trucks. Alderman Thomas asked if Waste Management had addresses of participants in North Little Rock. He said he is trying to determine who is participating in Ward 2 and said Rose City does not participate as much as other areas. Alderman Hight asked if Waste Management works with people with special needs. Mr. Rathbun said there have not been many requests, however, such requests would go through Mr. Ford. Mayor Hays asked that R-05-48 be called.

R-05-48 (<u>RESOLUTION NO. 6748 - MAYOR HAYS</u>)

A RESOLUTION DECLARING THE MONTH OF MAY "KEEP NORTH LITTLE ROCK BEAUTIFUL" MONTH; WAIVING RECYCLING FEES TO CUSTOMERS FOR THE MONTH OF MAY, 2005; AND FOR OTHER PURPOSES, was read in its entirety. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays invited Mrs. Margaret Powell, Director of Community Relations/Administration to come forward. Mrs. Powell advised the *Great North Little Rock Cleanup* will be held on Saturday, May 21, 2005. Registration forms are available in her office. A Keep North Little Rock Beautiful Committee will be formed. Alderman Parker will serve as the council representative. Mayor Hays commended him for his cleanup efforts in the Scenic Hill area of the city.

Mayor Hays invited Ms. Marilyn Hall, North Little Rock Animal Control to come forward regarding the North Shore Animal League of America's upcoming visit to North Little Rock on April 22, 2005, at Petsmart. This will be a day-long adoption event from 11:00 a.m. until 6:00 p.m. North Little Rock is the smallest city on the stop and the reason they are coming here again is because of the great job the city has done in finding homes for animals that come into the Animal Shelter. Ms. Hall said if every person in the United States had 6 cats and 5 dogs, every homeless animal would have a home. Since this is not feasible, everyone was encouraged to have their pets sterilized. Other animal groups will be involved on the 22nd including Helping Hands, FUR (Feline Rescue), Great Dane Rescue, Grey Hound Rescue and North Little Rock Friends of Animals. A dog trainer will be there to answer questions and provide obedience training along with a local veterinarian. Mayor Hays advised this would be the third year in which no adoptable animals were euthanized at the shelter. Ms. Hall said the national average for adoption from shelters is 1 in 4 meaning 3 out of 4 animals are euthanized.

UNFINISHED BUSINESS

R-05-44 (<u>RESOLUTION NO. 6749 - MAYOR HAYS</u>)

A RESOLUTION ACCEPTING THE LOW BID OF SOUTHERN SOFTWARE, INC. FOR COMPUTER SOFTWARE, HARDWARE AND INSTALLATION FOR THE NORTH LITTLE ROCK POLICE DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO CONTRACT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Witcher. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: insert in title AND MAINTENANCE, 2nd whereas delete \$635,185.65 payable in five years at an annual payment of \$141,346.79 and insert \$450,021.00, and Section 1. delete \$635,185.65 payable in five years at an annual payment of \$141,346.79 and insert \$450,021.00 and Section 2. following hardware, delete and and insert AND MAINTENANCE, and Section 3 delete of \$141,346.79 and hereby appropriated from the General Fund and insert INCLUDED IN THE 2005 SALES TAX CAPITAL IMPROVEMENT FUND BUDGET (8/0). Mayor Hays said this is a large amount of money, however, the contract will save the city money long-term. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

NEW BUSINESS

R-05-47 (<u>RESOLUTION NO. 6750 - MAYOR HAYS</u>)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FINANCING AGREEMENT FOR A COMPUTER SOFTWARE SYSTEM FOR THE POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderwana Robinson. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: 1st whereas, add AND HAD REQUESTED QUOTES FOR INTEREST RATES UNDER RFP NO. 05-2534, and insert new 2nd whereas, WHEREAS, TWIN CITY BANK QUOTED THE LOWEST RATE WITH A FIVE-YEAR FIXED RATE OF 3.73% (SEE EXHIBIT "A" ATTACHED HERETO); AND, 3rd whereas, delete \$650,000.00 and insert \$455,000.00, and Section 1, insert after agreement WITH TWIN CITY BANK AT AN INTEREST RATE OF 3.73% and delete \$650,000.00 and insert \$455,000.00 (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

Mr. Bob Sisson, Finance Director advised O-05-23 pertains to R-05-47. Mayor Hays asked that O-05-23 be called.

O-05-23 (ORDINANCE NO. 7703 - MAYOR HAYS)

AN ORDINANCE WAVING FORMAL BIDDING REQUIREMENTS FOR THE LEASE OF COMPUTER SOFTWARE FOR THE NORTH LITTLE ROCK DISTRICT COURT, 1ST AND 2ND DIVISIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *Exhibits "A" and "B" will be attached and new* SECTION 2. THAT THE ONE-TIME FEE FOR SET-UP, INSTALLATION AND TRAINING IN THE AMOUNTS OF \$10,800.00 FOR 1ST DIVISION AND \$10,000.00 FOR 2ND DIVISION, OR A TOTAL OF \$20,800.00, IS HEREBY APPROPRIATED FROM THE COURT AUTOMATION FUND OF THE NORTH LITTLE ROCK DISTRICT COURT., *and renumber old Section 2 to new Section 3. and delete paid from the annual budgets, respectively, of the 1st and 2nd Divisions, <i>and insert* APPROPRIATED FROM THE COURT AUTOMATION FUND OF THE NORTH LITTLE ROCK DISTRICT COURT. *and renumber old Section 3 to new Section 4, and old Section 4 to new Section 5, and old Section 5 to new* SECTION 6 (8/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

R-05-49 (RESOLUTION NO. 6751 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ESTHER CRAWFORD TO THE LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays recognized Ms. Crawford who was present and thanked her for her work with the school district and on the Library Commission.

R-05-50 (RESOLUTION NO. 6752 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK FIRE DEPARTMENT TO DONATE USED FIRE HOSE TO THE WRIGHTSVILLE FIRE DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-51 (RESOLUTION NO. 6753 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF CRW CONSTRUCTION FOR RENOVATIONS TO LAMAN LIBRARY PLAZA; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Berry. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: substitute resolution and bid sheet this date and in 1st whereas insert Bid No. 05-2517, and 2nd whereas insert \$390,000.00 and Section 1. insert \$390,000.00, and Section 2 insert \$390,000.00 (8/0). (NOTE: typos Section 3 and 4 will be

corrected to Section 2 and 3) Alderman Hight asked if the bid sheet reflected the renegotiated low bid of \$390,000.00 would be needed. Mr. Jason Carter, Acting City Attorney said it would not be needed as long as the new amount was reflected in the amendment. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, resolution was unanimously adopted as amended (8/0).

R-05-52 (RESOLUTION NO. 6754 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE LOW BID OF FOR THE CONSTRUCTION OF THE BURNS PARK TENNIS CENTER TOURNAMENT/RESTROOM BUILDING AND HANDICAP ACCESS RAMP; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Berry. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present the resolution was amended as follows:: in title, delete the and of _____, and 1st whereas, delete (Bid Summary attached as Exhibit "A" for information) and delete 2nd whereas WHEREAS, ___ was the low bidder with a bid of \$; and , insert new WHEREAS, BIDS WERE SCHEDULED TO BE OPENED ON APRIL 8, 2005 BUT OPENING HAS BEEN DELAYED UNTIL APRIL 14, 2005, DUE TO AN ADDENDUM THAT NEEDED TO BE ADDED; AND WHEREAS, TIME IS OF THE ESSENCE, AND IN ORDER TO SUBSTANTIALLY COMPLETE THE PROJECT IN TIME FOR USE DURING THE FIRST REGIONAL TOURNAMENT IN MID-JUNE, IT IS NECESSARY FOR THE NORTH LITTLE ROCK CITY COUNCIL TO APPROVE FUNDING PRIOR TO BID OPENING; AND WHEREAS, COST FOR THE PROJECT IS ESTIMATED TO BE APPROXIMATELY \$200,000.00; AND, Section 1, insert IN AN AMOUNT NOT TO EXCEED \$200,000.00, and delete by ___ and insert UNDER BID NO. 05-2527 and delete ramp in the amount of \$___ and insert THEN and AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT TO PROCEED WITH CONSTRUCTION OF THE SAME, and Section 2, delete the and insert AN, and delete of \$_ and insert NOT TO EXCEED \$200,000.00, and delete the ___ Fund, and insert SALES TAX SHORT TERM FINANCING, AND REDIRECTED FROM FUNDS PREVIOUSLY ALLOCATED FOR THE NORTH LITTLE ROCK COMMUNITY CENTER (8/0). Mr. Carter advised approval of this resolution would indicate that if the low bid is not over \$200,000.00 then the City is authorized to accept that bid. Additional legislation would be needed if the bid was in excess of \$200,000.00. Mr. Bob Rhodes, Parks and Recreation Director said approximately \$10,000.00 remains in a fund which was set aside for this purpose and asked if those funds could be used if the bid amount is in excess of \$200,000.00. Mr. Carter advised the total of \$210,000.00 could be available for the Mayor to be able to enter into the contract, however, if the bid amount is set at \$200,000.00, the bid could not exceed that amount. Alderman Gipson asked to hold the legislation until the end of the meeting, to allow time to review it.

** Recalled. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: *Section 1. of amended version delete* \$200,000.00 and insert \$210,000.00 (8/0). Alderman Hight did not agree with this procedure. On the motion of Alderman Berry and seconded by Alderman Witcher and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

O-05-22

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE SW CORNER OF HILLARD ROAD AND CRYSTAL HILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-4 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor Mayor Hays. NOTE: Petitions containing 27 signatures were filed with the City Clerk this date opposing the proposed legislation and remain residential.

O-05-24 (ORDINANCE NO. 7704 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT FROM THE ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE PURPOSE OF COMMUNICATION EQUIPMENT; WAIVING FORMAL BIDDING REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Gipson and seconded by Alderman Parker, and by consent of all members present, the ordinance was amended as follows:: substitute copy provided this date, 1st whereas, delete granted and insert AWARDED THREE (3) SEPARATE GRANTS delete a secondary award and in the amount of \$94,048.38 (see Exhibit "A" attached hererto); and insert FOR AWIN (ARKANSAS WIRELESS INFORMATION NETWORK) COMPLIANCE AS FOLLOWS: \$148,464.20 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) \$95,637.51 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP) \$94,048.38 SECONDARY FUNDS FOR A TOTAL OF \$338,565.01 (SEE EXHIBITS "A", "B" AND "C" ATTACHED HERETO and second whereas, insert ON MARCH 28, 2005 (SEE EXHIBIT "D" ATTACHED HERETO), and 3rd whereas, delete APCO 25 and insert AWIN and 4th whereas, delete \$93,722.67 and insert \$337,824.38, and Section 1. delete \$94,048.38 and insert \$148,464.20 (SHSGP), \$95,637.51 (LETPP) AND \$94,048.38 (SECONDARY), OR A TOTAL OF \$338,565.01, and delete APCO 25, and insert AWIN (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-05-25

AN ORDINANCE AMENDING § 12.15.B OF ORDINANCE NO. 7697 ("THE ZONING ORDINANCE") RESTRICTING FENCE HEIGHT AND PLACEMENT TO IMPROVE FIRE PROTECTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Parker and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Parker serves on the Planning Commission Board of Adjustment and Appeals. Recently, a case came before the board where the current building ordinance allows fences to be built on the property line with new construction set-back requirements. There are properties located in the Argenta area of the city where fences were built before the current ordinance was in place. If a six foot fence (which is allowed in a side yard) is built six feet from a structure, firefighters do not have access to the structure if needed to fight a fire. By reducing the height to four feet, it would allow firefighters access to the structure. Alderman Gipson agreed, however there is an issue with regard to containment of dogs which could reach over a four foot fence. This would not effect existing fences. Alderman Parker said the size of the fence in proximity of the structure and the safety of firefighters should be considered. Animals could be restrained on other areas of the property. Fire Chief Joe McCall said the problem with privacy fencing adjacent to a structure is it could create a tunnel of fire. A

chain link fence could be an option. Alderman Parker said the current restrictions regarding animals could stay in effect with regard to rear yard fencing. On the motion of Alderman Parker and seconded by Alderman Berry, and by consent of all members present, the ordinance was amended as follows:: *Section 1: B. add sentence* THIS SECTION SHALL NOT BE CONSTRUED AS WAIVING ANY REQUIREMENT BY THE CITY OF NORTH LITTLE ROCK TO CONSTRUCT A FENCE GREATER THAN FOUR FEET IN HEIGHT (8/0). A motion was made by Alderman Witcher which was seconded by Alderman Bryant to refer this issue to the Planning Commission, and the following members voted in the affirmative, Alderman Bryant, Robinson, Hight and Witcher, and the following members voted no, Thomas, Berry and Parker, and Alderman Gipson passed, the motion failed (4/4). Alderman Gipson said the intention of the zoning ordinance was to allow an eight foot fence along the rear property line, but not around the backyard. Mr. Robert Voyles, Planning Director advised backyard fencing is allowed from the rear corner of the structure and around the perimeter of the backyard (eight feet). On the motion of Alderman Parker and seconded by Alderman Berry, and the roll having been called and the following members voted in the affirmative, Thomas, Berry and Parker, and the following members voted no, Bryant, Robinson, Hight and Witcher, and Alderman Gipson passed, the motion to adopt as amended failed (3/5). Having not voted, Alderman Gipson made a motion to reconsider and hold the legislation which was seconded by Alderman Berry, and all members present agreed by voting in the affirmative (8/0).

**Recalled R-05-52 (see above).

PUBLIC COMMENTS-----

Alderman Thomas made a motion for a voice vote by the council to show opposition to Senate Bill 1174 regarding open containers. Mayor Hays advised Governor Mike Huckabee vetoed the SB 1174. The motion died for a lack of a second. Mr. Bobby Taylor belongs to several organizations in the city where he volunteers a lot of time. He said if he calls someone regarding a problem, he should be called back. Mr. Taylor asked what the red tag means on the manufactured home on Boyer. Mr. David Schachlin, Code Enforcement said he would have to check and let him know. Mr. Jim Ard read the "words to live by" from the council agenda. Ms. Diane Whitbey, City Clerk and Collector, advised the Heart Walk will be Saturday, April 23, 2005, and invited all city departments, neighborhood groups, audience members and viewers to join "Team North Little Rock" and to contact Mattie Robbins in the Clerk's office for more information.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Berry, and noone else wishing to be heard, the meeting adjourned at 8:30 p.m. (8/0), until the next regular meeting to be held on Monday, April 25, 2005, at seven o=clock p.m. in the City Council Chambers, City Hall, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK